

7. After I had my first child and separated from his mother, I was a single father struggling to raise my son as a man of integrity. I met my now-wife, and we began attending church together. One Sunday morning a message from a guest preacher convicted me that I was living in sin, and I gave my heart to Jesus. My life immediately changed, and I gave over my life and habits to God.
8. My wife and our children now attend church regularly. I also engage daily in personal Bible study and participate in Bible studies with my church. I believe that the Bible is the standard of life in everything that pertains to ethics, wisdom, and moral duty.
9. I hold the biblical title of Deacon at Tottenville Evangelical Free Church, where I have been an active member in good standing since 2011. As part of that role, I help to watch over the church building, teach lessons to the congregation and youth, help widows, collect and count the offering, and serve food every Sunday.
10. My faith affects every aspect of my life. I believe that as a husband and father, part of my job is to remain strong and healthy to provide for and protect my family. I eat a clean diet, I do not smoke, and I drink alcohol very rarely, and never to excess.

Religious Objections to Vaccination

11. My religious beliefs about the theology of the body, abortion, fear, and individual conscience prohibit me from taking the vaccine.
12. I believe my body is not my own but is a temple of the Holy Spirit (1 Corinthians 6:19-20). Whatever God creates is perfect (Psalm 18:30) and taking the Covid vaccine would be admitting that God's creation is less than perfect and needs improvement by man.
13. My faith also leads me to believe in the sanctity of human life in the womb. Each of the

vaccines available used abortion-derived fetal cells in the testing or production of the vaccines. For an evangelical Christian like myself, there is no distinction – taking one of the vaccines would be me participating in the abortion industry.

14. My religious beliefs also caution against fear of the things of this world. The Bible teaches I am to only fear God (Matthew 10:28), and by taking the vaccine, I would be acting in fear. According to my religious beliefs, when I am acting in fear, I displease God.

15. Finally, according to my religious beliefs, whatever I do against my conscience is a sin. Romans 14 teaches that the “faith which you have, have as your own conviction before God.” Acting against my conscience would be a serious matter and a sin against God. I am certain that taking vaccines that were tested and developed using abortion-derived fetal cell lines would alter my God-given immune system and prioritize an earthly threat over the fear of disobeying God. That would be sinful.

16. My pastor, George Ippolito, wrote in support of my application for religious exemption, and attested to the role of personal conscience in the Christian faith. He described me as “[a]n individual who is truly expressing and accurately representing a Christian position.”

Agency Religious Exemption Procedure

17. On August 20, 2021, I submitted my notarized request for a religious exemption to the DSNY.

18. A copy of the documentation I submitted is attached as Exhibit A.

19. On October 26, 2021, I submitted my answers to three additional questions regarding my religious beliefs.

20. A copy of my answers to the three additional questions is attached as Exhibit B.

21. On November 19, 2021, DSNY denied my request, stating “[b]ecause the information you provided in support of your request has not sufficiently demonstrated to DSNY that there is a basis for granting you an exemption to the above Order, DSNY is denying your request for an accommodation.”
22. A true and correct copy of the denial is attached as Exhibit C.
23. I was given the opportunity to appeal my denial by either appealing to a central City panel or by appealing to Scheinman Arbitration and Mediation Services (“SAMS”).
24. The denial letter stated that one condition of choosing the SAMs route was to waive my right to seek an accommodation through any other legal means or process or to bring a legal challenge to the process or the denial of an accommodation request, except an Article 75 appeal.
25. The denial letter also stated the following:

SAMS will only grant appeals based on religious exemptions if it is in writing by a religious official (e.g., clergy). Requests shall be denied where the leader of the religious organization has spoken publicly in favor of the vaccine, where the documentation is readily available (e.g., from an online source), or where the objection is personal, political, or philosophical in nature. Exemption requests shall be considered for recognized and established religious organizations (e.g., Christian Scientists).
26. In *Keil v. City of New York*, 21-2711 (2d Cir. 2021) and *Kane v. di Blasio*, 21-2678 (2d Cir. 2021), the City of New York admitted and the Second Circuit Court of Appeals held that the SAMS standards described in paragraph number 25 are unconstitutional.
27. On November 16, 2021, I submitted an appeal letter and note from my pastor to the DSNY.
28. A true and correct copy of my appeal letter and pastor’s note are attached as Exhibit D.
29. On January 6, 2022, I received an email denying my appeal. The only reason that it stated

for the denial was “Does Not Meet Criteria.” It stated that I have three business days to submit proof of vaccination or be placed on leave without pay (LWOP).

30. A true and correct copy of this denial is attached as Exhibit E.

31. I was subsequently placed on LWOP, as I refused to get vaccinated in violation of my sincerely held religious beliefs.

32. I know of another DSNY employee who attends my church, who has a religious objection to the vaccine, who submitted a religious exemption request with a letter from George Ippolito (who is my pastor and who also submitted a letter on my behalf) containing many of the same beliefs that I expressed in my letter, and whose religious exemption request was granted.

33. On January 31, 2022, I received a notice from DSNY stating that my position with the DSNY would be terminated if I do not show proof of vaccination by 5 p.m. on February 11, 2022.

34. A true and correct copy of this notice is attached as Exhibit F.

35. On the same day, my union representative called me and stated that I needed to come into work the very next day and sign a form that would extend my LWOP through June 30, 2020 and allow me to keep my health insurance until that time, but would also waive my right to sue the DSNY. I had not previously been told about this waiver and had not received a copy of it from the DSNY.

36. My union told me that I would receive no accrued vacation pay or terminal leave if I chose not to sign the waiver and got terminated, but that if I resigned, I would receive them and could leave DSNY with an unblemished record.

37. I did not want to leave my job, but I felt I had no choice because I refuse to be vaccinated in violation of my religious beliefs.

38. I also felt coerced into resignation because I needed the money in order to take care of my family and because I did not want a termination on my record that might affect my future job prospects.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 9, 2022

A handwritten signature in blue ink, appearing to read "Curtis Cutler", is written over a horizontal line.

By: Curtis Cutler